City of Seattle

Department of Planning and Development
D.M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3009658

Applicant Name: Julie Templeton

Address of Proposal: 2801 Perkins Ln W

SUMMARY OF PROPOSED ACTION

Land Use Application to allow clustered housing for a second single family structure in an environmentally critical area. Existing single family residence to remain. Parking to be provided in existing 2-car garage. Project includes environmental review of the future unit lot subdivision.

Environmentally Critical Areas Administrative Conditional Use – to allow more than one house on a lot. (SMC 25.09.260);

SEPA - Environmental Determination (SMC Chapter 25.05)

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] EIS

[X] DNS with conditions

[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The site is located on the west side of Perkins Lane W. in Magnolia. Properties on the west side of Perkins Lane are perched on a bluff overlooking Puget Sound. The site is developed with a single family house and contains approximately 15,552 sq. ft. of area not covered by water.

The lot is bounded on its southern property line by the unopened W. Armour Street right-of-way. The property consists of an upland area containing the existing house, a terraced landscape area with steps leading to a flat grassy lawn, and an undeveloped hillside that drops steeply to the bulkhead along the beach below.

The upland portion of the lot is approximately 55' wide. The overall lot depth is 170' from the street to the beginning of the bluff; then an additional 80' to the bulkhead/ordinary high water mark. The lot extends beyond the ordinary high water mark an additional 285' into the water; the submerged area is not included when calculating the minimum lot size for zoning requirements.

The parcel is developed with a single family structure which was constructed in 1950. The home is located on the easterly portion of the lot, built into the slope, with a first floor area of 1,090 sq. ft., finished basement (1,000 sq. ft.) and attached garage (560 sq. ft.) There are several mature trees, some fruit trees and many large shrubs on the developed portion of the property. The two most substantial trees are 16" and 18" Scots Pines, located near the southern property line. There are also several large trees and ample vegetation within the undeveloped hillside.

The site contains an undeveloped steep slope of 4,913 sq. ft. and steep slope buffer of 1,088 sq. ft. This totals 39% of the site.

There is a known eagle nest within 200 feet of the site.

Area Development

The immediate surrounding area consists of single family residential development. The surrounding zoning is Single Family with a minimum lot size of 7,200 sq. ft. (SF7200).

Perkins Lane is a 40' right-of-way that is developed with a 14' to 16' roadway. In most places there is no space for parking on either side of the street. There are no sidewalks. The eastern side of Perkins Lane slopes up away from the street. Water drains from this hillside and runs into a ditch and culvert system along the edge of the road. Water is conveyed to Puget Sound via a deep drainage line in the Armour Street right-of-way dating to the 1930's, the "WPA line".

The Perkins Lane area has a history of slides, including, most recently, substantial slides in January, 1997 after an unusually heavy rain and snow event lasting several days. The City's Geographic Information System (GIS) maps the location of known slides. The nearest known slides on the downhill side of Perkins Lane are a major slide in the winter of 1933 affecting properties south of W. Armour Street, and a small slide in 1954 affecting the property at 1937 Perkins Lane. On the uphill side of Perkins Lane, there were several slides near the property in January, 1997, including one on the property across the street.

The nearest street outlet from Perkins Lane is West Raye Street, approximately 300 yards to the south. To the north, the closest intersecting street is ½ mile. The nearest bus route is along West Viewmont Way – 2/3 mile distance from the site.

Description of Proposal

The applicant proposes to retain the existing single family residence and construct one new single family residence. A future application for a unit lot subdivision of the property, in order to allow separate fee-simple ownership for each house and its associated parcel of land, is anticipated.

The new residence is proposed to have a footprint of 1,125 sq. ft. plus a 140 sq. ft. deck, and daylight basement of about 800 sq. ft. The house is proposed to sit west of and below the grade of the existing house. The floor plate of the existing house is at an elevation of 80'. The highest roof point on the new house will be at 82.5, with the main floor at an elevation of 70' and the basement set at 61'. The total height is 21.5 feet as measured on the downhill side of the house. This is 20' above the average grade of 62.5', calculated as per the measurement requirements for a shoreline property. This is well below the allowed height of 30' above average grade for a house within a shoreline zone.

Access and parking for both lots would be located near the street within the existing driveway and garage. The garage would be divided by a new wall that would allow a one car garage plus one tandem space in the driveway for each house (accommodating four vehicles, total). A vehicular easement would be provided for the driveway serving the new lot, and a pedestrian easement would be provided along the southern property line for access to the new house.

The total area of the subject property is 15,552 square feet, exclusive of submerged land. Under a traditional short plat (SMC 23.24), this is enough area for two lots meeting the lot area standards of the SF-7200 zone. The applicant is applying for an Environmentally Critical Areas (ECA) Administrative Conditional Use (ACU) per SMC 25.09.260 to allow the second house on the existing lot and create two "Unit Lots" (SMC 23.24.045). The lot sizes are 7827 for proposed Unit Lot A that would contain the new house and 7725 for Unit Lot B that would contain the existing house. As a unit lot subdivision, the "parent lot" meets required yards (20' front yard, 5 foot side yards, and 15' rear yard). The separation between the two houses is 23 feet at its closest point. Total lot coverage is 20.6% for the parent lot; well within the 35% allowed within single family zones.

The applicant has received a limited steep slope exemption for development within the terraced landscape area that lies within the center of the property, between the grass lawn and the existing house. This area exceeds 40% slope but is exempt from certain steep slope requirements because it has been previously graded as part of the development of the existing house. The undeveloped steep slope area of the site characterized by bluff and natural vegetation did not receive an exemption and is subject to all ECA standards. A 15' buffer will be maintained from the edge of this slope and the area will be preserved though a steep slope covenant.

The new Unit Lot A would contain 3,604 sq. ft. of steep slope and 919 sq. ft. of steep slope buffer, for a total 58% of the lot area. Approximately 26% of Unit Lot B would be comprised of steep slope or buffer area.

There are 16" and 18" Scots Pines located adjacent to the proposed structure. An arborist's report specifies the setback and other measures necessary during construction to protect these trees. The setback area is indicated on the plans and the trees are proposed to be retained. The only vegetation to be removed are shrubs and small fruit trees within the proposed house footprint area, and vegetation within the existing front yard adjacent to Perkins Lane to improve visibility from the driveway. Invasive species such as blackberry and ivy would be removed and native vegetation planted between the existing and new house, and north of the new house.

Public Comment

Notice of the proposal was issued on 6/18/09. As a result of a petition signed by numerous property owners, a public meeting was held on 9/15/09; public notice for this meeting was issued on 8/28/09. Forty-eight persons signed the meeting attendance roster. Additionally many comment letters were received. Concerns were expressed regarding lack of sufficient parking, driveway location and visibility due to the curve in Perkins Lane, substandard condition of Perkins Lane, history and risk of slides in the area, nearby eagle's nest and other shoreline habitat, construction and emergency vehicle access, tree preservation, and potential precedence of the decision for other properties on Perkins Lane.

Environmentally Critical Areas Regulations

The proposal must comply with specific requirements ECA for development in landslide-prone areas with landslide potential areas (Section 25.09.080), fish and wildlife habitat (Section 25.09.160), steep slopes (Section 25.09.180), and trees and vegetation (Section 25.09.320). Additionally, approved projects must comply with general requirements (Section 25.09.060) that include specific construction methods and procedures, best management practices, and recording of identified ECA areas in a permanent covenant. All decisions subject to these standards are non-appealable Type I decisions made by the Director (or designee) of DPD.

SMC Section 25.09.260 provides for an Environmentally Critical Areas Conditional Use Permit (ECA ACU) that allows more than one house on a lot and certain other modifications to Land Use Code development standards. To be granted, development applying for an ECA ACU must be located primarily outside of the ECA areas, protect and improve existing habitat, and be compatible with the existing neighborhood. Relevant criteria are discussed below.

SEPA Review

The development of a second house on a lot in an ECA and the subdivision of land within an ECA (future unit lot subdivision) trigger evaluation of potential environmental impacts per the State Environmental Policy Act (SEPA). While often review of a subdivision within an ECA is limited to the impacts on the ECA, since this lot is a waterfront lot environmental analysis is not limited.

ECA ACU decisions, Unit Lot Subdivision decisions, and SEPA determinations are appealable to the City Hearing Examiner.

ANALYSIS – ENVIRONMENTALLY CRITICAL AREAS (ECA) ADMINISTRATIVE CONDITIONAL USE (ACU)

Section 23.42.042 of the Seattle Land Use Code authorizes review of conditional use permits according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits. Section 25.09.260 of the ECA ordinance sets forth the review criteria for Administrative Conditional Use Permits (ACU) to create development with smaller than required lot sizes and yards, and/or more than one (1) dwelling unit per lot. Applicable review criteria and analysis follows:

SMC 25.09.260. Environmentally Critical Areas Administrative Conditional Use.

B. Standards. The Director may approve an administrative conditional use for smaller than required lot sizes and yards, and/or more than one (1) dwelling unit per lot if the applicant demonstrates that the proposal meets the following standards:

1. Environmental Impacts on Critical Areas.

a. No development is in a riparian corridor, shoreline habitat, shoreline habitat buffer, wetland, or wetland buffer.

There are no riparian corridors, wetlands or wetland buffers on the site. No development is within the shoreline habitat or 100' shoreline habitat buffer. The proposal meets this criterion.

b. No riparian management area, shoreline habitat buffer, or wetland buffer is reduced.

The subject property does not include any riparian management area or wetland buffer. The 100' shoreline habitat buffer is not reduced. The proposal meets this criterion.

c. No development is on a steep slope area or its buffer unless the property being divided is predominantly characterized by steep slope areas, or unless approved by the Director under Section 25.09.180.B2a, b or c.

1) The preference is to cluster units away from steep slope areas and buffers.

A DPD geotechnical engineer evaluated the slopes on the site and granted a limited steep slope exemption based on SMC 25.09.180B2b for previously graded slopes in the terraced landscape area of the yard east of contour line 59 (Exemption decision, January 12, 2009). The steep slope exemption clarified the nondisturbance area for steep slope and buffer as being the previously undeveloped slope west of the grass yard plus a 15' buffer; all proposed development (structures and excavation) is located outside this undeveloped steep slope and buffer.

A portion of the unopened W. Armour Street right-of-way adjacent to the existing house is proposed for temporary construction access. The area proposed for access is within a steep slope buffer, is vegetated with grass and has been previously graded. Per the SDOT geotechnical engineer, this area meets the exemption criteria in SMC 25.09.180B2b, similar to the area proposed for development on the subject site.

In summary, new development is positioned away from the un-exempted steep slope and its buffer. This criterion is met.

2) The Director shall require clear and convincing evidence that the provisions of this subsection B are met when clustering units on steep slope areas and steep slope area buffers with these characteristics:

a) A wetland over fifteen hundred (1,500) square feet in size or a watercourse designated part of a riparian corridor; or
b) An undeveloped area over five (5) acres characterized by steep slopes; or
c) Areas designated by the Washington Department of Fish and Wildlife as urban natural open space habitat areas with significant tree cover providing valuable wildlife habitat.

The proposal does not cluster the units on un-exempted steep slope or steep slope buffers. Further, the area proposed for construction does not contain a wetland or riparian corridor, or an undeveloped area over five acres. The area proposed for development does not contain significant tree cover providing wildlife habitat. This criterion is met.

d. The proposal protects Washington State Department of Fish and Wildlife priority species and maintains wildlife habitat.

An eagle nest is known to be located within 200 feet of the development site, on vacant land north of the property containing substantial tree canopy. Eagles are a priority species for the Department of Fish and Wildlife. Eagles are known to nest in cottonwoods and firs. No cottonwoods, firs, or other native trees will be removed as a result of the proposal. Additionally, no conifer trees will be removed. A plan has been filed with and approved by the State Department of Fish and Wildlife (DFW). The DFW approval notes that noisy construction activity such as grading and pile driving could disturb eagles during certain early nesting times and when fledglings are learning to fly; DFW recommends avoiding noisy construction from January to mid April. DFW also recommends consulting with the United States Fish and Wildlife Service regarding the Federal guidelines if there is concern about disturbing nesting eagles. Most of the recommended restriction on grading and pile driving to protect eagle habitat coincides with grading limits on properties in Environmentally Critical Areas (October 31 through April 1). The proposal is conditioned to require consultation with the State and Federal agencies regarding limitations on construction. As conditioned, the proposal meets the criterion to protect priority species and wildlife habitat.

e. The open water area of a shoreline habitat, wetland or riparian corridor shall not be counted in determining the permitted number of lots.

No open water areas are counted in determining the number of lots. The lot size is calculated by the survey as 15,552 sq. ft. upland of the ordinary high water mark. This is sufficient area to allow for a future unit lot subdivision into two lots. The proposal meets this criterion.

f. The proposal does not result in unmitigated negative environmental impacts, including drainage and water quality, erosion, and slope stability on the identified environmentally critical area and its buffer.

An initial geotechnical investigation (Robert Pride, December 5, 2008) was submitted and reviewed by DPD's geotechnical engineer. Initial shallow borings (3 hand-augered borings to a depth of 7' to 9') and recommendations were not considered adequate and further boring and analysis was required. An updated report was submitted (Robert Price, April 21, 2009). Based on the results of the updated analysis and deep boring (to 26.5 feet), a deep foundation

system was recommended (driven pipe piles to an estimated at 15 to 20 feet below grade). The proposed deep foundation system has been approved by DPD's geotechnical engineer as providing sufficient stability based on the soil conditions. Detailed plans and drawings will be required as part of subsequent construction plans.

The proposal includes a vegetated roof to reduce the volume of storm water runoff. All storm water runoff from impervious surfaces and from the roof will be tight-lined to the storm drainage system to reduce potential erosion and retain soil strength. Storm drainage will be pumped up to the newer portion of the storm drainage system and connection made to the 8" storm drainage line outside the steep slope area, near where undeveloped West Armour Street meets Perkins Lane. An on-site detention system and emergency backup power are required by the geotechnical engineer to provide for drainage in the event of a power outage. A civil-engineered drainage control plan will be required as part of the building permit to detail the on-site detention and other aspects of the drainage. The proposal meets this criterion, subject to the conditions listed below.

g. The proposal promotes expansion, restoration or enhancement of the identified environmentally critical area and buffer.

The applicant proposes to stay outside the natural steep slope and its buffer. Previously graded steep slopes that have received an exemption and are proposed to be disturbed by the construction will be replanted with native vegetation as shown on the plans. The proposal meets this criterion.

2. General Environmental Impacts and Site Characteristics.

a. The proposal keeps potential negative effects of the development on the undeveloped portion of the site to a minimum and preserves topographic features.

The proposal stays out of the previously undeveloped portion of the site, keeping potential negative impacts on this area to a minimum. The structure will be 15' away from the edge of the undeveloped steep slope. The structure is sited to preserve the existing topography by having just one level above ground on the uphill side, and having a daylight basement/lower level on the downhill side of the slope. The overall two-story height of the house fitted into the existing terraced landscape preserves topographic features. Two large pine trees are being retained on the south side of the proposed house. Proposed grading is limited to removal of 10 to 15 yards of soil/ vegetation and import of 50 to 60 yards of gravel.

Potential negative effects have been minimized and conditioned through this review. The proposal meets this criterion, subject to the conditions listed below.

b. The proposal retains and protects vegetation on designated nondisturbance areas, protects stands of mature trees, keeps tree removal to a minimum, removes noxious weeds and protects the visual continuity of vegetated areas and tree canopy.

The proposal retains and protects all vegetation on designated nondisturbance areas.

No conifer or native trees will be removed from the site. Two mature Scots Pines on the south of the site will be retained. Several smaller fruit trees, and shrubs will be removed. Some shrubs and small ornamental trees in the front yard will be removed to improve visibility of the driveway.

Currently the terraced area proposed for construction contains an understory of blackberries and ivy. After construction, areas around the new dwelling will be replanted with native vegetation. ECA areas will be designated as nondisturbance areas on the final plans.

The proposal meets this criterion, subject to the conditions listed below.

3. Neighborhood Compatibility.

a. The total number of lots permitted on-site shall not be increased beyond that permitted by the underlying single-family zone.

The subject property is 15,552 square feet in size (excluding the submerged lands) and the zoning of SF 7200 requires minimum lot sizes of 7,200 square feet. The underlying single family zone permits two lots, which is the number of lots proposed for development and unit lot subdivision under this review. The proposal meets this criterion.

b. Where dwelling units are proposed to be attached, they do not exceed the height, bulk and other applicable development standards of the Lowrise 1 (L-1) zone.

There are no proposed attached dwelling units with this application. The criterion does not apply.

c. The development is reasonably compatible with and keeps the negative impact on the surrounding neighborhood to a minimum. This includes, but is not limited to, concerns such as neighborhood character, land use, design, height, bulk, scale, yards, pedestrian environment, and preservation of the tree canopy and other vegetation.

Neighborhood Character and land use:

Existing: The neighborhood character of the surrounding area includes a range of sizes and types of single family houses, from very large new homes to smaller more traditional homes. Most lots are developed to take advantage of views to the west. Perkins Lane is a narrow, paved road with ditches on the shoulder and includes neither curb gutter, nor sidewalk. Due to the topography of the lots, some homes are built toward the street, with parking that necessitates using the street for vehicular maneuvering/backing out.

The historic platting pattern is east-west lots from Perkins Lane to the beach with 50 to 75 feet of street frontage. Many of these lots are deep, particularly north of the project site. Where the lots are historically deep, it is not uncommon to subdivide so that one of the originally platted lots has a second house added to the west or east,

such as houses at 3003 and 3005 Perkins Lane; and 3017 and 3019 Perkins Lane. The lot at 3021 has likewise short platted for a new lot to its east at 3027 Perkins Lane. Additionally, the property directly to the south of the project site recently built a second house on a pre-existing separate lot.

The land use of the neighborhood is exclusively single family homes.

Proposed: The proposed development would add one single family house of about 1900 square feet in size westward of the existing house. Street frontage development would retain existing paving and ditches. The development would share parking with the existing residence. The existing house's driveway uses the street for backing out, similar to some other existing residences. The platting establishes a new lot to the west, similar to a pattern with other lots and houses referenced.

Design:

Existing: Existing development consists of a range of architectural single family styles, consistent with the eras in which they were built. Early houses were constructed in the 1920's; recent construction is as new as 2010. Examples include 2-3 story contemporary residences with attached garages, mid-century modernist style residences with attached and detached garages and carports, and a two-story tudor/craftsman style residence. Given the special character of the area, houses tend to be each uniquely designed to maximize the site's natural setting and views, and to work with the steep topography of the site.

Proposed: The proposed residence has a modern vernacular with shed roof to minimize view blockage from the existing residence. The view from the street would not change. The existing structure would be only minimally visible from the street due to its elevation below the street grade.

Height: Height limits (SMC 23.44.012) are maximum 30' plus 5' for a 3:12 minimum sloped roof (35' total height), per Land Use Code requirements.

Existing: Typical houses in the area are from 1.5 to 3 stories.

Proposed: The height of the new residence would be one story as viewed on the uphill side, and two stories (21.5 feet) on the downhill side.

Bulk and Scale:

Existing: Typical houses in the area range from small bungalows on modest lots to very large homes on spacious lots.

Proposed: The bulk and scale of the proposed structure are modest with a footprint of 1265 and overall livable area of 1925 square feet. The space includes 3 bedrooms, 2 baths, a family room, utility room and deck. The north façade is modulated with a 13' section and a 23' section. The two houses cover 20.6% of the site out of an allowed 35%.

Yards: The Land Use Code includes the following yard requirements in SF 7200 zones (SMC 23.44.014):

- Front: 20' minimum
- Rear: 20% of lot depth up to 25'
- Sides: 5' minimum

Existing: Front yards adjacent to Perkins Lane vary in size from 20' to 50' depending on the size of the lot and the topography. Lots are developed to maximize views. Many lots have large rear yards that contain steep slopes and beachfront. Some of the larger houses on spacious lots have greater than required side yards. A few houses south of the project on Perkins Lane, where the lot elevation is lower and that were built in the late 1920s under different development standards, are close to the beach with small rear yards and larger front yards. In these cases detached garages are often located close to the street. In summary, yards vary with lot size and budget.

Proposed: The proposal is being analyzed as a future Unit Lot Subdivision, which means that the parent lot must meet the front, rear and side yards, but that the interior lot line that creates the two unit lots may allow smaller yards between the two houses. The proposed development parent lot includes a 20 foot front yard adjacent to Perkins Lane, 13' side yard at the north property line and 10' at the south property line. The rear yard containing steep slopes is approximately 107' to the ordinary high water line. There is a 23' separation at the nearest point between the structures (porch to deck) and 33' from wall to wall. The front, rear and side yards are similar to many lots in the neighborhood.

Pedestrian Environment:

Existing: There are few sidewalks in the area and none adjacent to the subject property. Paved or graveled shoulders are also rare, since drainage is collected in ditches on the sides of the street. Pedestrians share the paved street with vehicles; however, traffic volumes are relatively low.

Proposed: The proposed development will not change the existing pedestrian environment pattern of drainage ditches and limited sidewalks. No additional sidewalks are proposed.

Preservation of Tree Canopy and Vegetation:

Existing: The existing tree canopy is described in the response to SMC 25.09.260.B.2.b.

Proposed: Removal of shrubs and small landscape trees, and proposed planting of additional vegetation is described in the response to SMC 25.09.260.B.2.b. The vegetation removed will not change the character of the area.

Summary for SMC 25.09.260.B.3.c ' Neighborhood Character':

The proposed residence either meets or is well under the required development standards. The proposed parent lot meets lot coverage and yard development standards.

If the subject property were developed with one single family structure as allowed by right, the structure could exceed the height, bulk, and scale of the two proposed structures combined. The creation of two unit lots with two separate structures and open space in the center of the lot results in less height, bulk and scale than permitted under than the Land Use Code.

The proposed tree removal has been kept to a minimum, and the applicant has proposed planting additional trees and shrubs. The pedestrian environment would be consistent with existing neighborhood character.

The proposal is found to be reasonably compatible with and keeps the negative impact to a minimum regarding neighborhood character, land use, design, height, bulk, scale, yards, pedestrian environment, and preservation of tree canopy and vegetation. The size and specific design of the house are conditions of the ECA Administrative Conditional Use. The proposal meets the criteria subject to the conditions listed below.

C. Conditions.

1. In authorizing an administrative conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions necessary to protect riparian corridors, wetlands and their buffers, shoreline habitats and their buffers, and steep slope areas and their buffers, and to protect other properties in the zone or vicinity in which the property is located.

Code requirements addressing the protection of steep slope areas and their buffers and other properties in the vicinity are listed below. These requirements are found in various sections of the Environmentally Critical Areas code (SMC 25.09) and are not exclusively applicable to the ECA ACU review. No ACU conditions are imposed as the ECA regulations adequately mitigate potential impacts on the critical area. Further, the proposal will not result in neighborhood compatibility impacts to properties in the vicinity.

2. In addition to any conditions imposed under subsection 1, the following conditions apply to all administrative conditional uses approved under this subsection:

a. Replacement and establishment of native vegetation shall be required where it is not possible to save trees or vegetation.

No native vegetation nor vegetation within the steep slope or buffer is being removed. Where vegetation is removed (outside the critical area) it is being replaced with native shrubs and groundcover such as sword fern, snowberry, hip rose, and salal, as shown on sheet A-5 of the plans.

The proposal meets this criterion, subject to the conditions listed below.

> ***b. Where new lots are created, the provisions of Section 23.22.062, Unit lot subdivisions, or Section 23.24.045, Unit lot subdivisions, apply, regardless of whether the proposal is a unit lot subdivision, so that subsequent development on a single lot does not result in the development standards of this chapter being exceeded for the short subdivision or subdivision as a whole.***

The applicant has shown a proposed configuration for a future unit lot subdivision.

The criteria for a Unit Lot Subdivision under SMC 23.24.045 provides that the development as a whole must meet zoning standards but that individual unit lots may be nonconforming to some or all of the standards based on analysis of the individual unit lot. Unit lots are specifically required to execute access easements and joint use and maintenance agreements for use of common garage or parking areas and other similar features. A specific provision allows that within the parent lot, required parking for a dwelling may be on a different unit lot than the lot with the dwelling, as long as the right to use the parking is formalized by an easement on the plat. The conceptual unit lot plan designates pedestrian and vehicular access easements within the front unit lot to benefit the rear unit lot.

Based on review of the conceptual plan unit lot plan, this criterion is met. An actual application for Unit Lot Subdivision will be submitted after approval of this Master Use Permit.

DECISION – Administrative Conditional Use

The proposal is **CONDITIONALLY GRANTED.**

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated June 17, 2009) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with review of similar projects, form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665D1-7) mitigation can be considered.

Construction Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction vehicles, increased particulate levels, increased noise levels, disruption of vehicular and pedestrian traffic, and an increase in traffic and parking due to construction-related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and Regulations for Environmentally Critical Areas (SMC 25.09). The following is an analysis of construction-related noise, air quality, earth, grading, streets and parking impacts as well as mitigation.

Noise

Noise associated with construction of the new house could adversely affect surrounding residential uses. Due to the proximity of the project site to adjacent homes and the need for driving of pipe piles to support the foundation, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

In addition to the limitations of the Noise Ordinance, pile driving activities shall be limited to non-holiday weekdays from 8am to 6pm.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

Air Quality

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC).

Construction activities including construction worker commutes, truck trips, the operation of construction equipment, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

Earth

The ECA Ordinance and Directors Rule (DR) 33-2006 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with landslide potential and/or a history of unstable soil conditions. The applicant has provided a geotechnical report, "Robert M. Pride, LLC, Consulting Engineer, Supplemental Geotechnical Report, Proposed Smith Residence, 2801 Perkins Lane W," dated April 21, 2009.

Based on the results of a deep boring (to 26.5 feet), a deep foundation system is proposed including 3 to 4 inch driven pipe piles to an estimated at 15 to 20 feet below grade. Grading of approximately 100 cubic yards of material is anticipated. No import of soil is needed.

The construction plans, when filed, including shoring of excavations as needed and erosion control techniques will receive separate review by DPD geotechnical engineers. Any additional information needed to show conformance with applicable ordinances and codes (ECA ordinance, The Stormwater Code, Grading Code, Building Code, Street Use Ordinance, and Director's Rules 33-2006, and 3-2007) will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are utilized; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Construction access

Construction access is proposed via a ten foot wide section of unopened W. Armour Street past the existing house and then onto the site. The construction entrance as shown on the plans is within an area of approximately 20% slope that has been previously graded and is landscaped with grass. The slope drops off to 40% just beyond the proposed construction entrance. Per the applicant's geotechnical engineer, the construction entrance will not require grading (memo from Robert M. Pride, Consulting Engineer, dated August 7, 2010). Typical Temporary and Sedimentation Control measures for a construction entrance include 4 to 8 inch quarry spalls 12 inches deep to ensure debris is not tracked onto the street. Surface vegetation within the right-of-way damaged by construction access will be replanted after construction.

Use of the construction entrance by construction vehicles will be limited to a small Kabota backhoe or similar vehicle. This type of equipment generally has rubber tracks and ranges from 41" wide excavators to back-hoes with buckets needing 5 to 6 feet of clearance that can transport materials. Heavy trucks (dump trucks, concrete truck, delivery trucks) will not be allowed down this slope path, but will be limited to the existing paved driveway and parking apron.

A Street Use Permit is required to be obtained for use of this area.

Parking

Parking for construction worker vehicles is proposed to occur within the garage or driveway. On-street parking is limited near the subject property. However, the applicant notes that on-street parking is available several blocks to the north on Perkins Lane or that, if necessary, workers can carpool, leaving their trucks on Magnolia Blvd. and shuttle down to the site in one vehicle. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

To ensure that use of the limited garage/driveway space is preserved for construction vehicle needs and to limit impacts to traffic and homeowners on Perkins Lane, a construction traffic management plan shall be filed prior to the issuance of the construction plans that would include provision for:

- Parking for all construction worker vehicles that preserves sufficient space within the driveway and driveway apron when needed for deliveries and construction vehicle maneuvering; construction worker vehicles may not park on the shoulder on Perkin Lane.
- Staging for construction vehicles - dump trucks, concrete truck, and delivery trucks.
- Any anticipated disruption of traffic on Perkin Lane for utility connections or other construction (a permit from SDOT will be required)
- Notification of neighbors of anticipated construction schedule, parking arrangements, and any temporary street closure.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces, loss of plant and animal habitat, increased bulk and scale on the site; a slight increase in vehicular traffic, and a small increase in parking demand.

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater Code that requires controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding, the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development.

Additionally, the preliminary site plan for the ECA ACU that included the new house was submitted for analysis under the Preliminary Application Requirements process that obtains early review of proposed applications from SDOT, SPU, City Light, and DPD drainage to ensure utility requirements can be met and to identify any street improvement requirements or zoning issues. This process showed that there is adequate ability to serve the site with utilities including electricity, water, sewer, and storm drainage, and that the site plan can meet basic zoning and street improvement requirements. Further, the site plan was reviewed by the Fire Department, and there were no concerns regarding fire and life safety access to the site since all portions of the proposed structure are within 150' of the driveway.

Regarding storm drainage, review by the City's geotechnical engineer has resulted in a storm water design that would pump stormwater up to the newer portion of the storm water line near Perkins Lane (rather than connection into the older WPA portion of the line), plus a backup generator and detention on the site. The new house will also have a green roof that will slow storm water runoff.

Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of these long-term impacts and no further conditioning is warranted by SEPA policies.

However, due to the location of this proposal, traffic and parking impacts warrant further analysis.

Traffic and Transportation

The proposed project would generate a small increase in traffic. Single family residences add approximately 10 trips per day, of which one trip typically occurs during the PM peak hour. While Perkins Lane is a substandard road, these total and PM peak trips will not add substantially to the volume of traffic. However, the increased usage of the existing driveway at a curve of Perkins Lane warrants discussion.

Concerns have been expressed about the safety of the driveway at this location. A query was done of accidents along Perkins lane from W. Raye Street to W. Bertona Street within a 3 year period (2006-2008). Only one minor accident was reported within 3 years – damage to a mailbox involving only one vehicle. The location of this accident was not near the proposed site. The curve is not a high accident location.

However, addition of cars to this driveway, and the tandem parking condition, may result in cars maneuvering in the street longer and more frequently than the existing situation. A traffic engineer analyzed the sight distance at this driveway. (Transportation Engineering NorthWest; Memorandum, May 18, 2010). Based on standards from the *Policy on Geometric Design of Highways and Streets (American Association of State Highway and Transportation Officials, 2004),* 115' is the recommended sight distance. The existing sight distance, taking into consideration topography and road curvature is 280' looking south and 120' looking north. However, removal of vegetation was recommended to improve sight distance. Based on this, some existing shrubs in the front yard, including a small Japanese maple tree, and a Cherry tree (previously topped and in poor condition) are proposed to be removed.

Parking

The new house may occasionally generate guest parking. The shoulder on Perkins Lane is limited, with only occasional areas developed for on-street parking. The shoulder adjacent to the site is not a logical place for shoulder widening/parking since it is on a curve. The lack of guest parking is an impact that cannot readily be mitigated. Although adverse, the guest parking impact will not be significant. There are many areas in the city where guest parking is not readily available, including many existing houses on Perkins Lane. The potential intermittent need of guest parking for one house does not warrant further conditioning as mitigation measures would not be reasonable.

Summary

In conclusion, several adverse effects on the environment are anticipated to result from the proposal. Although the impacts are not significant, mitigation based on applicable SEPA policies is warranted relative to the anticipated impact.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 (2) (C).

CODE REQUREMENTS - ENVIRONMENTALLY CRITICAL AREAS

Prior to Issuance of a Master Use Permit

1. Mark all areas on the plans east of the limited steep slope exemption area as "non-disturbance areas," per SMC 25.09.060 and 25.09.335.

2. Submit a recorded copy of the ECA Covenant restricting development and disturbance in the non-disturbance areas to the Land Use Planner, per SMC 25.09.060 and 25.09.335.

3. Permanent visible markers along the top of the steep-slope buffer to delineate the ECA, ECA buffer, and non-disturbance area must be shown and described on the MUP plans and installed on the site. The markers shall be either reinforcing steel or metal pipe driven securely into the ground with a brass cap affixed to the top similar to survey monuments. The brass cap shall be visible at the ground surface and indicate the purpose of the marker. Markers shall be placed at all points along the buffer delineation where the buffer changes direction from a straight line, exclusive of the exempted access area. Markers must be in place before issuance of this MUP, per SMC 25.09.335.D and confirmation sent to the land use planner via photos, updated survey, or other acceptable verification.

4. Submit a recorded copy of the No-Protest Agreement for future street improvements to the Land Use Planner, per SMC 23.53.015.

Prior to Issuance of Any Construction Permits

5. Modify the plans to show connection of storm water into the 8" stormwater line near Perkins Lane.

6. Show on the site plan the location of permanent ECA markers, per SMC 25.09.060.

7. Show on building plans the location of a temporary, durable, highly visible construction fence at the boundary between the construction activity area and areas of steep slope and steep slope buffer which are to be left undisturbed, per SMC 25.09.060.

8. Provide on the construction plans a tree preservation plan that details recommendations for retaining trees on site per the arborist's report from *Stonehedge Tree Experts, Inc*. dated 5/4/2010.

CONDITIONS – ENVIRONMENTALLY CRITICAL AREA ADMINISTRATIVE CONDITIONAL USE

Prior to Issuance of a Construction Permit

9. In the spring of the year that construction is planned, consult the State Department of Fish and Wildlife, and United States Fish and Wildlife Service's regarding the status of the Eagle nest north of the site. If the nest is actively being used, the start of construction activities such as clearing and grading shall be delayed until after April 15 or as recommended by the respective State and Federal Agencies.

For the Life of the Permit

10. The size of the proposed structure on the new lot will be limited by this analysis and the associated Master Use Permit and Construction Plans.

11. Submit for approval by DPD a drainage control plan prepared by a licensed civil engineer that includes connection into the 8" storm line near Perkin Lane, and backup on-site detention and a generator as per preliminary requirements by the City's geotechnical reviewer.

CONDITIONS - SEPA

Prior to Building Permit Issuance

12. Provide an erosion and sediment control plan, employing Best Management Practices, to minimize erosion on and off site. The plan shall be reviewed and approved by DPD.

13. Submit and have approved by DPD and SDOT, a construction traffic management plan that would include provision for

    - Parking for all construction worker vehicles that preserves sufficient space within the driveway and driveway apron when needed for deliveries and construction vehicle maneuvering; construction worker vehicles may not park on the shoulder on Perkins' lane.
    - Staging for construction vehicles - dump trucks, concrete truck, and delivery trucks.
    - Any anticipated disruption of traffic on Perkins' lane for utility connections or other construction (a permit from SDOT will be required)
    - Notification of neighbors of anticipated construction schedule, parking arrangements, and any temporary street closure.

Prior to the Start of Construction

14. To improve sight distance of the driveway, remove existing shrubs in the front yard as noted on the plans, including a Japanese maple tree, and previously topped Cherry tree.

During Construction

15. In addition to the limitations of the Noise Ordinance, pile driving activities shall be limited to non-holiday weekdays from 8am to 6pm.

16. The two Scots Pines shown on the south side of the lot shall be preserved during construction. Measures outlined in the tree preservation plan on the construction shall be implemented.

Signature: (signature on file) Date: December 16, 2010
Cheryl Waldman, Land Use Planner Supervisor
Department of Planning and Development

CTW:ga
HURLEY\2010MUPs\3009658.doc